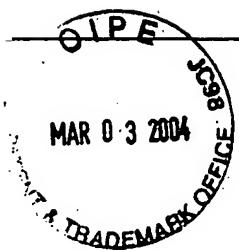


Image

# ARNOLD & PORTER LLP

202.942.5000  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206



March 3, 2004

Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 10/021,323  
Filed: December 12, 2001  
Title: Nucleic Acid Molecules and Other Molecules Associated  
with Plants  
Applicant: Jill DEIKMAN  
Atty. Docket: 38-21(52274)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Request to Rescind Prior Request and Certification Under 37 C.F.R. § 1.213(b);
2. a copy of a Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (Exhibit A);  
and
3. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicant does not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.295. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. Marsh".

David R. Marsh (Reg. Attorney No. 41,408)  
Holly Logue Prutz (Reg. Attorney No. 47,755)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jill DEIKMAN

Appln. No.: 10/021,323

Filed: December 12, 2001

For: **Nucleic Acid Molecules and Other  
Molecules Associated with Plants**

Confirmation No. 8906

Art Unit: 1631

Examiner: James Martinell

Atty. Docket: 38-21(52274)B

**Request to Rescind Prior Request and Certification  
Under 37 C.F.R. § 1.213(b)**

**Mail Stop PGPUB**

Commissioner for Patents

P.O. Box 1405

Alexandria, VA 22313-1450

Sir:

Applicant hereby requests that the Request for Non-Publication and Certification Under 35 U.S.C. § 122(b) filed on December 12, 2001, in the above-captioned U.S. application be rescinded in accordance with 37 C.F.R. § 1.213(b).

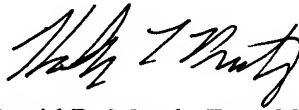
On December 12, 2001, the above-captioned U.S. application was filed with a Request for Non-Publication, which contained a certification under 35 U.S.C. § 122(b)(2)(B)(i), including a statement that the invention “has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.” (Request attached hereto as Exhibit A).

Applicant wishes to rescind the request for non-publication filed on December 12, 2001, for the above-captioned U.S. application.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicant does not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, authorization to charge such fees is given in the accompanying transmittal letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. Marsh".

David R. Marsh (Reg. No. 41,408)  
Holly Logue Prutz (Reg. No. 47,755)

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Date: March 3, 2004

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TRADEMARK OFFICE

PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

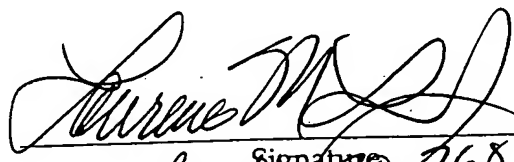
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Jill Deikman
Title	NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS
Attorney Docket No.	38-21(52274)B

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/12/01  
Date

  
Reg. No. 30,768

LAWRENCE M. LAVIN JR  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual cases. Any comments on the amount of time you required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, DC Washington, DC 20231.